

REMARKS

Claims 1-23 are pending. By this Amendment, claim 20 is amended and new claims 24 and 25 are added. The Amendment to claim 20 is supported by, for example, Fig. 1. New claim 24 is supported by, for example, originally filed claims 1 and 19, and new claim 25 is supported by, for example, Fig. 1. Thus, no new matter has been introduced by this Amendment. Additionally, the Examiner indicated during a telephone conversation that claim 19 was objected to as being dependent on a rejected base claim. Since new claim 24 incorporates the features of claim 1 and claim 19, Applicant submits that claim 24 is allowable. Applicant respectfully requests reconsideration of the rejections in view of the following comments.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-8, 10-13, 15-18 and 20-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,180,319 to France et al. (the '319 patent). More specifically, with respect to independent claim 1, the Examiner asserted that the '319 patent discloses "a container having a plurality of sidewalls 22, 16, each wall having a structure that defines at least one opening which permits access to the interior of the container 36, 46 and an undulating extension surround the container having regions of increased extension and regions of decreased extension wherein the undulating extension defines a plurality of separate eating stations (see eating stations defined by undulating portion 22 and elements 36 and 46 in Fig. 1)." "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP § 2131. Applicant submits that the '319 patent does not disclose an undulating extension surrounding a container, as that term is generally understood and used throughout Applicant's specification. Applicant respectfully requests reconsideration of the rejection in view of the following comments.

The '319 patent discloses a hog trough having a back portion 20 and a front sheet panel 22. As shown in Fig. 1, front panel 22 is connected to back portion 20 by support brackets 36, 46. As noted above, the Examiner asserted that front panel 22 is an undulating extension. However, the plain meaning of undulating is "to present a wavy appearance." See Merriam-Webster's Collegiate Dictionary, 10th Ed. As shown in Figs. 1 and 3 of the '319 patent, front panel 22 maintains a constant elevation and thus does not present a wavy appearance. Front panel 22 is not an undulating extension, as that term is ordinarily understood and used throughout Applicant's specification. In contrast, Applicant's invention, as claimed in independent claim 1, relates to a feeding apparatus comprising an undulating extension having regions of increased extension and regions of decreased extension, wherein the undulating extension defines a plurality of separate eating stations. Since the '319 patent does not disclose this feature of Applicant's claimed invention, the '319 patent does not anticipate Applicant's claimed invention.

With respect to claim 20, the '319 patent does not disclose a feeding apparatus comprising a first container section and a second container section, wherein each section comprises a plurality of vertically oriented members that define openings through the walls of the first container section and the second container section. Specifically, as shown in Fig. 1 of the '319 patent, there are no openings through walls 18 and 22. In contrast, Applicant's invention, as claimed in independent claim 20, relates to a feeding apparatus comprising a first container section comprising side walls having a plurality of vertically oriented members and a second container section comprising side walls having a plurality of vertically oriented members, wherein the second container section is connected to the first container section, and wherein the vertically oriented members define a plurality of openings through the walls of the first container section and the walls of the second container section that permit access to the interior of the first container section and the second container section. Since the '319 patent does not disclose this

feature of Applicant's claimed invention, the '319 patent does not anticipate Applicant's claimed invention.

With respect to claim 23, as noted above, the '319 patent does not disclose a feeding apparatus comprising a container and an undulating extension surrounding the container, wherein the undulating extension defines a plurality of separate eating stations. In contrast Applicant's invention, as claimed in independent claim 23, relates to a method of feeding livestock comprising providing a feeding apparatus, the feeding apparatus comprising a container and an undulating extension surrounding the container. Since the '319 patent does not disclose this feature of Applicant's claimed invention, the '319 patent does not anticipate applicants claimed invention.

Since the '319 patent does not anticipate Applicant's claimed invention, Applicant respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) as being anticipated by the '319 patent.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over the '319 patent. In order to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." See MPEP § 2142. Additionally, "the examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. Id. Claims 9 and 14 both indirectly depend from independent claim 1, and therefore incorporate all of the features of independent claim 1. Independent claim 1 relates to feeding apparatus comprising an undulating extension having regions of increased extension and regions of decreased extension, wherein the undulating extension defines a plurality of separate eating stations. As discussed above, the '319 patent does not disclose or suggest a feeding apparatus comprising an undulating extension, and

therefore the '319 patent does not disclose or suggest all of the features of claims 9 and 14. As such, the Examiner has not established a prima facie case of obviousness for claims 9 and 14.

Since the '319 patent does not disclose or suggest all of the features of Applicant's claimed invention, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) as being unpatentable over the '319 patent.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Brian L. Jarrells
Registration No. 53,067

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1535